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2 CHRISTOPHER M. PETERSON, ESQ.
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4 **AMERICAN CIVIL LIBERTIES**
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9
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT COURT OF NEVADA**

12 DAWNYELL FLYNN, an individual,

13 Plaintiff,

14 vs.

15 STATE OF NEVADA ex rel. NEVADA
16 DEPARTMENT OF CORRECTIONS, a
public entity of the State of Nevada; DONALD
17 BURSE, an individual; JAMES DZURENDA,
director, in his official capacity; and Doe
18 Nevada Department of Corrections Employees
1 – 10, in their individual and official capacity,

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20 Defendant(s).
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Case Number:

2:22-cv-01753-JAD-NJK

**SECOND STIPULATION AND
ORDER TO CONTINUE HEARING
ON MOTION TO DISMISS**

EMERGENCY STIPULATION

STIPULATION

(SECOND REQUEST)

Pursuant to Local Rules IA 6-1, IA 6-2, 7-1, and 7-4, it is hereby stipulated and agreed by and among Defendants, Nevada Department of Corrections (NDOC) and James Dzurenda, and Plaintiff, Dawnyell Flynn, as follows:

1. Defendants filed a Motion to Dismiss Amended Complaint on October 19, 2023. *See* ECF No. 31.

2. Defendant Donald Burse has not made an appearance.

3. Plaintiff filed a Response in Opposition to the Motion to Dismiss Amended Complaint on November 2, 2023. *See* ECF No. 33.

4. A Reply to the Response was filed on November 11, 2023. *See* ECF No. 35.

5. The Court issued a notice on December 4, 2023, setting an in-person hearing on the Motion to Dismiss for January 4, 2024, at 2 p.m.

6. On December 11, 2023, the parties filed a proposed stipulation and order requesting that the Court continue that original hearing date. *See* ECF No. 38.

7. The Court granted that stipulation and ordered the hearing date continued to January 22, 2023.

8. On the morning of January 22, 2023, Sadmira Ramic, lead counsel for Plaintiff, had an unforeseeable family medical emergency. Due to that emergency, she is unable to attend the scheduled January 22, 2023, hearing.

9. As required by LR 7-4, Plaintiff's counsel contacted Defendants' counsel at 6:30 AM, notifying them of the emergency, explaining the nature of the emergency, and communicating that Plaintiff would be requesting a continuance.

10. Both parties have agreed to stipulation to continue the hearing date.

11. Both counsels are unavailable Wednesday, January 31, 2024, through Friday, February 2, 2024. Both counsels are also unavailable Tuesday, February 6, 2024.

12. As such, both counsels respectfully propose to reschedule the hearing to any date

1 other than those conflicting dates.

2 13. The request is not intended to cause any delay or to prejudice any party.

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4 AMERICAN CIVIL LIBERTIES UNION OF
5 NEVADA

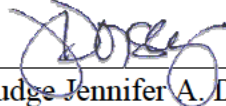
6 By: /s/ Christopher Peterson
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OFFICE OF THE ATTORNEY GENERAL

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Attorney for NDOC and James Dzurenda

12 **ORDER**

13 Based on the parties' stipulation [ECF No. 49] and good cause appearing, IT IS
14 HEREBY ORDERED that **today's hearing on the motion to dismiss [ECF No. 31]** is
15 **CONTINUED** to February 13, 2024 at 2:30 p.m.

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17 U.S. District Judge Jennifer A. Dorsey
18 Dated: January 22, 2024
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